



Plenary sitting

B8-1001/2016

13.9.2016

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Somalia
(2016/2881(RSP))

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on behalf of the Verts/ALE Group

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**European Parliament resolution on Somalia
(2016/2881(RSP))**

The European Parliament,

- having regards to its previous resolution on Somalia,
- having regard to the statements by the Spokesperson of the European Union External Actions Services (EEAS) on the attacks in Somalia of 21 August 2016, 26 July 2016, 26 June 2016 and 2 June 2016,
- having regard to the European Council conclusion on Somalia of 18 July 2016 calling for a credible and accountable electoral process,
- having regard to the statement of 28 January 2016 by High Representative/Vice-President Federica Mogherini on the decision on an electoral model for Somalia in 2016,
- having regard to the September 4 2016 report by UNSOM on Freedom of Expression in Somalia,
- having regard to the UN Security Council Resolution 2297 (2016) of 7 July 2016,
- having regard to the joint report of the UN Assistance Mission in Somalia (UNSOM) and the Office of the UN High Commissioner for Human Rights on the right to freedom of expression in Somalia, August 2016,
- having regard to the UN Security Council Secretary General's report of 9 May 2016,
- having regard to the latest Universal Periodic Review on Somalia before the UN Human Rights Council, January 2016,
- having regard to the African Charter on Human Rights,
- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the revised Partnership Agreement between the members of the African, Caribbean and Pacific (ACP) Group of States and the European Community signed in Cotonou on 23 June 2000 (the Cotonou Agreement),
- having regard to Rule 135 of its Rules of Procedure,

A. Whereas Somalia has been plagued by civil war for years, but is now at a crucial moment of transition with parliamentary and presidential elections to be held in the coming weeks,

- B. whereas a 20.000 troop strong African Union peacekeeping force, AMISOM, has brought a certain degree of stability to parts of Somalia, whereas other parts remain under control or threat from the radical Islamist movement Al-Shabaab or are controlled by separate authorities as is the case in Somaliland and Puntland,
- C. whereas fighting persists in many parts of south-central Somalia, including in the course of the military operation against Al-Shabaab as well as in the course of intra and inter-clan fighting, resulting in civilian deaths, injuries, destruction of property and large scale new displacement,
- D. whereas according to the UN, there are currently 1.1 million internally displaced people in Somalia, an estimated 400.000 living in Mogadishu alone,
- E. whereas clan militias and Al-Shabaab have committed and continue grave abuses throughout the country, including extrajudicial killings, disappearances, cruel and unusual punishment, rape, restrictions on civil liberties and freedom of movement, restrictions on nongovernmental organizations (NGOs) and humanitarian assistance, and conscription and use of child soldiers,
- F. whereas Al-Shabaab is regularly perpetrating terrorist attacks, including in neighbouring Kenya,
- G. whereas in the absence of a functioning civilian judiciary, the Somali government relies on military courts for trying and convicting civilians,
- H. whereas this practice does not guarantee the rights of civilian defendants,
- I. whereas broad powers of investigations are granted to the National Intelligence and Security Agency (NISA), which currently does not have a law enforcement mandate, resulting in significant violations of due process rights of detainees held by NISA;
- J. whereas freedom of expression continues to be severely restricted, with journalists being threatened, arbitrarily detained and denied due process and fair trial guarantees; whereas media outlets have been closed down by regional and federal level authorities,
- K. whereas the authorities rarely investigate cases of killings or attacks on journalists or prosecute perpetrators, except if such attacks are attributed to Al-Shabaab,
- L. whereas according to the UN, recruitment of children primarily by Al-Shabaab but also by Somalia National Army and clan militia has increased significantly in 2015,

- M. whereas the African Union Forces in Somalia (AMISOM) have been accused on several occasions of severe human rights abuses, including indiscriminate killings and some cases of sexual exploitation and abuse,
- N. whereas AMISOM has established the Civilian Casualty Tracking Analysis Research Cell (CCTARC) and that numerous UNSC resolutions have called on troop contributing countries to share information with the cell and the UN,
- O. whereas the Kenyan government declared in May 2016 that the Dadaab refugee camp in north-eastern Kenya which hosts an estimated 320.000 Somali refugees will close by the year's end and that the "voluntary" repatriation process spearheaded by UNHCR, Kenya and Somalia has been sped-up resulting in 10.000 Somali refugees returning to Somalia within the space of just three months,
- P. whereas the EU provided through the European Development Fund €286 million (2014-2020) focusing on the implementation of the "Compact" and namely on state and peace building, food security, resilience and education; whereas the EU is also committed to support AMISOM through the Africa Peace Facility;
1. Considers that the security situation in Somalia remains volatile and unstable in large parts of the country, despite important progress having been made in the fight against Al-Shabaab and clan militias,
 2. Condemns the recent terrorist attacks perpetrated against civilians by Al-Shabaab,
 3. Considers the upcoming elections to constitute a landmark event for Somalia after decades of instability,
 4. Welcomes the efforts made by the Somali authorities in order to prepare the upcoming elections and the process of prior national consultations; welcomes the decisions made in order to increase women's representation,
 5. Calls on Somalia's executive, legislature and regions to do their utmost in order to ensure a peaceful, legitimate, inclusive and transparent electoral process for the Somali people; recognises the difficulties linked to this process due to ongoing security challenges,
 6. Commends the efforts made by the African Union in order to bring back a certain degree of stability to Somalia and to organise the transitional political process; also commends the support given by the EU,

7. Is concerned however by allegations of human rights abuses committed by AMISOM; regrets that despite instances in which AMISOM publicly committed to investigate incidents, safe and appropriate investigations and prosecutions do not take place; commends however the Ugandan forces in Somalia for having deployed a military court into Somalia to try offenses carried out by its forces,
8. Calls on the African Union to ensure that all troop-contributing countries are sharing information with the CCTARC (AMISOM Civilian Casualty Tracking Analysis Research Cell), regarding reports of or investigations into civilian casualties by troop contributing countries, and that this information is also shared with the UN as per UN Security Resolution 2297, and is fed into AMISOM operational plans;
9. Calls on all Somali and international parties to the conflict in Somalia, both within and outside AMISOM, to comply with international human rights and humanitarian law;
10. Urges all Somali parties to the conflict, including government forces, political leaders, clan and federal militia, to immediately end abuses against civilians, including in the context of political processes, and to take steps to hold perpetrators to account,
11. Calls on all actors engaged in Somalia's state-building efforts to ensure that civilians are protected and that perpetrators are brought to justice,
12. Calls on the Government of Somalia to ratify the African Charter on Democracy, Elections and Governance,
13. Stresses that free and independent media are essential in order to guarantee an informed, active and engaged population, particularly in an electoral period, and calls on the Somali federal and regional authorities to stop suppressing the free flow of information, including by arbitrarily arresting journalists, closing down media outlets and intimidating journalists; calls on the Somalia government to review the penal code, the new media law and other legislation, and revise them as necessary to bring them into line with Somalia's international obligations regarding the right to freedom of expression and the media;
14. Requests that the Somali government publicly calls on all government and security force officials not to harass or threaten journalists and other media workers, in particular in the run-up to the 2016 electoral process;
15. Requests that the Somali authorities stop using the country's national intelligence and security agency (NISA) to intimidate independent journalists and political opponents; urges the Somali parliament to call for the passing of a rights-respecting national security

law, as set out in the provisional constitution, that defines the mandates of national security agencies and clarifies that the National Intelligence and Security Agency is not empowered to arrest and detain;

16. Calls on the Somali government to make clear that any NISA or police officer, regardless of rank, who is complicit in abuses against or who fails to adequately investigate threats or attacks on journalists, political opponents or human rights defenders is disciplined or prosecuted as appropriate;
17. Calls on the government and the EU, as part of its rule of law activities in Somalia, to ensure that NISA is regulated with effective oversight mechanisms; calls on the same to build the technical expertise of Somalia's Criminal Investigation Department (CID) to carry out thorough, effective and rights-respecting investigations
18. Calls on the Somali government and all parties to the conflict to end recruitment and use of children in security forces as soldiers and as informants, including use of captured or deserting child soldiers;
19. Calls on the Somali president to immediately commute pending death penalty sentences as a first step towards placing a moratorium on all death sentences; and requests that the Somali authorities transfer future cases of civilians under military court jurisdiction to the civilian courts for prosecution;
20. Calls on the Somali government to follow-up through with commitments made during the country's Universal Periodic Review to end forced evictions of internally displaced people including in the country's capital, Mogadishu; also requests that the government implements its December 2014 policy on displacement which requires the authorities to protect affected communities during evictions and lays out procedures in line with international law;
21. Urges host countries to refugees from Somalia to remain realistic about the security situation in large parts of Somalia and to refrain from putting pressure on refugees to return to Somalia,
22. Calls on the Somali government to promptly establish the foreseen independent Human Rights Commission,
23. Calls on the Somali authorities and political actors, and the EU as a key supporter of the current political process, to ensure that the commitments for a 30 per cent quota for women

by leaders of the Federal Government and the regional state administrations is respected and enforced,

24. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the African Union, the President, the Prime Minister and the Parliament of Somalia, the Secretary General of the United Nations, the United Nations Security Council and the Council of human rights of the United Nations and to the ACP-EU Joint Parliamentary Assembly.